

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Civ. No. 13-92 ACT/LFG

2004 LINCOLN AVIATOR
VIN: 5LMEU68H24ZJ28273,

2007 HARLEY DAVIDSON FXST
VIN: 1HD1BV51X7Y049388,

\$4,610.00 IN UNITED STATES CURRENCY,

Defendants,

and

JONATHAN L. ULIBARRI,

Claimant.

VERIFIED FIRST AMENDED COMPLAINT FOR FORFEITURE *IN REM*

Plaintiff states:

Jurisdiction and Venue

1. This is a civil action in rem for forfeiture of Defendants which have been located and will be arrested by execution of a Warrant for Arrest in the District of New Mexico; and during the pendency of this action Defendants, or their equivalent or proceeds thereof, will be subject to the jurisdiction of this Court.

2. The United States District Court for the District of New Mexico has exclusive, original jurisdiction under 28 U.S.C. §§ 1345, 1355 and 1356.

3. Venue is proper under 28 U.S.C. §§ 1355 and 1395.

4. The “res” or Defendant Properties which are the subject of this action are:

- a. 2004 Lincoln Aviator VIN: 5LMEU68H24ZJ28273;
- b. 2007 Harley Davidson FXST VIN:1HD1BV51X7Y049388;
- c. Four Thousand Six Hundred Ten (\$4,610.00) in United States Currency,

(hereafter collectively referred to as "Defendant Properties").

PARTIES AND CLAIMANTS

5. The following persons may claim an interest in Defendant Properties:
- (a). Jonathan L. Ulibarri at 15306 West Eureka Trail, Surprise, Arizona, and/or P.O. Box 23226, Albuquerque, New Mexico 87125, and/or P.O. Box 26223 Albuquerque NM 87102, whose attorney is Anna C. Martinez, Esq., P.O. Box 25304, Albuquerque, NM 87125;
 - (b). Paul D. Ulibarri at Santa Fe County Adult Correctional Facility ID:67831051 or ID: 355704, 4312 State Highway 14, Santa Fe, NM 87508, whose attorney is Penni Adrian/Esq., 415 Luna Avenue SW, Los Lunas, NM 87031.

Statement of Facts

6. On August 8, 2012, Drug Enforcement Administration (DEA) agents executed a Federal Search Warrant at the residence of Paul D. Ulibarri and Jonathan Ulibarri located at 5100 Mesa Del Oso Road NE, Apartment 5147, Albuquerque, NM. Paul D. Ulibarri was arrested pursuant to a Federal drug trafficking warrant issued in *United States v. Aaron Romero, Paul Ulibarri, et al.*, Criminal Number 12-1909 JB.

7. Paul D. Ulibarri and Jonathan L. Ulibarri are heroin and cocaine sources of supply for Las Vegas, NM.

8. On two occasions, Paul D. Ulibarri sold heroin and crack cocaine to a DEA confidential source.

9. Jonathan L. Ulibarri is a cocaine distributor and retail dealer in Las Vegas and in Albuquerque, NM.

10. Pursuant to the search warrant at the residence of Paul D. Ulibarri and Jonathan L. Ulibarri, the DEA located a distributable amount of heroin, 37.4 grams.

11. A DEA officer located \$4,610 inside the sleeve of a black sweatshirt which was hanging in the closet of the north bedroom, occupied by Jonathan L. Ulibarri.

12. The 2004 Lincoln was seized as facilitating property and/or proceeds of the Jonathan Ulibarri drug operation. The license plate on the vehicle is registered to Jonathan L. Ulibarri.

13. The 2007 Harley Davidson FXST was seized as facilitating property and/or proceeds of the Jonathan Ulibarri drug operation. The license plate on the vehicle is registered to Jonathan L. Ulibarri.

14. On December 12, 2012, a Federal Grand Jury indicted Paul D. Ulibarri, Jonathan L. Ulibarri, and others, in *United States v. Christopher Roybal, Jonathan Ulibarri, Paul Ulibarri, et.al.*, Criminal number 12-3182 JB, on charges that include conspiracy under 21 U.S.C. § 846, and distribution of controlled substances under 21 U.S.C. § 841(a)(1) and (b)(1)(B) and (b)(1)(D). Paul Ulibarri is in federal custody. An outstanding warrant exists for the arrest of Jonathan Ulibarri.

15. Both Paul D. Ulibarri and Jonathan L. Ulibarri have a criminal and drug history.

16. Jonathan L. Ulibarri has no employment history since 2007.

17. Title to the 2004 Lincoln was issued to Jonathan Ulibarri on May 18, 2012.

18. Title to the 2007 Harley Davidson FXST was issued to Jonathan Ulibarri on May 16, 2012.

19. There are no liens on the 2004 Lincoln or on the 2007 Harley Davidson.

Claims for Relief

20. The Defendant Vehicles are subject to arrest and forfeiture to Plaintiff under 21 U.S.C. § 881(a)(4) because they were used, or intended for use, to transport, or in any manner to facilitate the transportation, sale, receipt, possession or concealment of illegal controlled substances.

21. The Defendant Vehicles and Currency are subject to arrest and forfeiture to Plaintiff under 21 U.S.C. § 881(a)(6) because they were furnished, or intended to be furnished, in exchange for an illegal controlled substance, or constitute proceeds traceable to such an exchange, or were used or intended to be used to facilitate a violation of the Controlled Substances Act.

WHEREFORE, Plaintiff seeks arrest of Defendant Properties and forfeiture of same to Plaintiff, determination of the validity and priority of claims of the Claimants and any Unknown Claimants to the Defendants Property, costs and expenses of seizure and of this proceeding, and other proper relief.

Respectfully submitted,

KENNETH J. GONZALES
United States Attorney



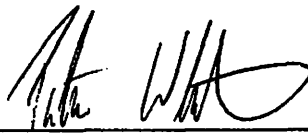
CYNTHIA L. WEISMAN
Assistant U.S. Attorney
P. O. Box 607
Albuquerque, New Mexico 87103
(505) 346-7274

28 U.S.C. § 1746 DECLARATION

I am a Special Agent with the Drug Enforcement Administration who has read the contents of the First Amended Complaint for Forfeiture *In Rem* to which this Declaration is attached; and the statements contained in the complaint are true to the best of my knowledge and belief.

I declare under penalty of perjury under the laws of the United States of America that this Declaration is true and correct, except as to matters stated on information and belief, and as to those matters I believe them to be true.

DATED: 2/8/2013



Patricia G. Whelan, Special Agent
Drug Enforcement Administration